



#10/A JG
466/01
PATENT

Atty. Docket No.: 13024/35946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

McMichael, J. et al.

Serial No.: 09/495,186

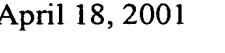
Filed: February 1, 2000

For: TREATMENT OF SYMPTOMS
OF ASTHMA, ALLERGIES AND
OTITIS MEDIA

Group Art Unit: 1633

Examiner: Wilson, M.

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: April 18, 2001


Jeffrey S. Sharp
Registration No. 31,879
Attorney for Applicants

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action dated October 18, 2000 in which all pending claims (1-20) stand rejected under one or more of 35 U.S.C. §§112 (first and second paragraphs) 102(e), 103(a), and under the judicially created doctrine of obviousness-type double patenting. This response is timely filed as a petition for three months extension of time to April 18, 2001 is submitted herewith. Reconsideration and allowance of the claims is solicited in light of the following remarks.

AMENDMENTS

Please amend claims 1, 8 and 15 as set out below:

A1
Sub C3

1. [AMENDED] A method for treating allergy symptoms in a patient, comprising the step of:

administering in a manner so as not to effect gene transfer an effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having allergy symptoms such that the allergy symptoms not associated with respiratory congestion are reduced.

A2
Sub C4

8. [AMENDED] A method for treating asthma symptoms not associated with respiratory congestion in a patient, comprising the steps of:

administering in a manner so as not to effect gene transfer a therapeutically effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having asthma symptoms such that the asthma symptoms not associated with respiratory congestion are reduced.

A3
Sub D1

15. [AMENDED] A method for treating symptoms of otitis media, comprising the step of:

administering eardrops to the ear in a manner so as not to effect gene transfer an effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having otitis media such that pain symptoms associated with otitis media are reduced.

REMARKS

I. Preliminary Comments

Claims 1, 8 and 15 have been amended to recite the step of a therapeutic effect and claims 1 and 8 have been amended to clarify that the symptoms treated are other than those associated with respiratory congestion because treatment of respiratory congestion symptoms are the subject of other issued patents to McMichael.